IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Recall Application No. 771 of 2007
In
Civil Contempt Petition No. 195 of 2006.
(Arising out of Writ Petition No. 548 (S/B) of 2003)

Ashok Kumar Gupta S/O late Sri Ram Swaroop, R/O Quarter No. SS-64, Sector C-1, Near Mata Ji ki Bagia, L.D.A. Colony Kanpur Road, Lucknow.

…Applicant.

Vs.

Dr. P.L. Gautam, Managing Director, Uttaranchal Seeds and Tarai Development Corporation Limited, Pant Nagar, Post Office Haldi, District Udham Singh Nagar.

….Respondent.

Sri Paresh Tripathi, learned counsel for the petitioner-applicant.
Sri Rajendra Dobhal, Learned counsel for the O.P – respondent.

Date November 19,2007.

P.C.: Hon'ble B.S.Verma,J.

The applicant-petitioner has moved the recall application with a prayer to recall the order dated 18-4-2007, whereby the contempt petition has been dismissed as infructuous.

Heard learned counsel for the applicant Sri Paresh Tripathi as well as learned counsel for the respondent Sri Rajendra Dobhal.

According to the applicant-petitioner, the order dated 4-4-2006 passed by the Division Bench of this Court in Writ Petition No. 548 (S/B) of 2003 has not been complied with. It was stated before this Court on 18-4-2007 by the learned counsel for the respondent-Corporation that the order of this Court had been complied with in full spirit.

The order dated 4-4-2006 was to the effect that the respondent Corporation shall pay 50% back wages to the petitioner along with interest @ 9% per annum for the period the petitioner

remained out of job. According to the petitioner the wages had not been calculated in a correct prospective. The grievance of the petitioner is that some amount payable to the petitioner is left out.

In the facts and circumstances of the case, the petitioner would be at liberty to make a representation to the respondent-Corporation or he may take legal recourse for redressal of his grievance.

With the above observation, the order dated 18-4-2007 passed by this Court is modified.

(B.S.Verma,J.)

RCP